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Attorneys for Defendant  
American Overseas Marine Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

KENNETH COUTURE,

Plaintiff,

vs.

AMERICAN OVERSEAS MARINE  
CORPORATION and GENERAL  
DYNAMICS CORPORATION,

Defendants.

CIVIL CASE NO. CV05-0024

**DEFENDANT AMERICAN OVERSEAS  
MARINE CORPORATION'S  
RESPONSE TO PLAINTIFF'S  
SECOND SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS AND  
THINGS; CERTIFICATE OF SERVICE**

COMES NOW, Defendant American Overseas Marine Corporation ("AMSEA") and responds to Plaintiff Kenneth Couture's Second Request for Production of Documents and Things as follows:

**GENERAL OBJECTIONS**

1. Defendants object to the requests to the extent they request information not reasonably calculated to lead to the discovery of admissible evidence.
2. Defendants object to any request which seeks disclosure of information protected by the attorney-client privilege or the work-product doctrine.

3. Defendants object to the requests to the extent they request information relating to privileged communications or documents not subject to discovery, such as attorney-client communications, attorney work-product, trial preparation materials and/or experts' materials.

4. Defendants object to the requests to the extent they are unreasonably burdensome, oppressive or vexatious, in that the information requested would be of little or no relevance to the issues in this action and/or would place an unreasonable and oppressive burden on Defendants in expenditure of time and money to answer.

5. Defendants object to the requests to the extent they are vague, ambiguous, uncertain and/or unintelligible such that Defendants cannot determine the nature of the information sought, and to which Defendants are, therefore, unable to respond.

6. Defendants object to the requests to the extent they request information that is otherwise available to Plaintiff.

7. Defendants object to the requests on grounds they were not timely served, that is, they were, without leave of court or by agreement of counsel, served after the deadline to serve fact discovery.

8. Defendants object to producing any document requested which is not within their possession or control, within the meaning of Fed. R. Civ. P. Rule 34(a).

9. Defendants' discovery and investigation into this matter is continuing, and the responses set forth herein do not preclude the further discovery and development of evidence nor the presentation thereof at trial. Defendants reserve their rights to supplement these responses as provided by the applicable law and rules.

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**Request for Production No. 1:** Any and all Documents evidencing the Medical Log or Medical Journal from March 24, 2004 to August 1, 2005.

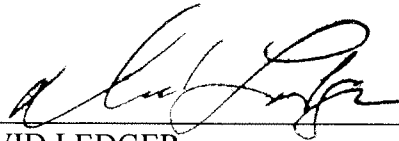
**Response to Request for Production No. 1:** Without waiving any other objections which may be made to this request at some future time, see General Objections 7 and 8.

**Request for Production No. 2:** Any and all Documents evidencing the Military Sick Call Log or the Military Sealift Command Log from March 24, 2004 to May 1, 2004.

**Response to Request for Production No. 2:** Without waiving any other objections which may be made to this request at some future time, see General Objections 7 and 8.

DATED: Hagåtña, Guam, August 23, 2006.

CARLSMITH BALL LLP



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DAVID LEDGER  
Attorneys for DEFENDANT  
American Overseas Marine Corporation

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 23rd day of August 2006, I will cause to be served, via electronic filing, a true and correct copy of DEFENDANT AMERICAN OVERSEAS MARINE CORPORATION'S RESPONSE TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS upon the following Counsels of record:

William M. Fitzgerald, Esq.  
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1st Floor, Macaranas Building  
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and

Bruce Berline, Esq.  
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Post Office Box 5682 CHRB  
Garapan, Saipan MP 96950

DATED: August 23, 2006.



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DAVID LEDGER